

**CALENDAR ITEM
C67**

A 72

06/28/16

S 34

PRC 7986.1
S. Kreutzburg

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Ida Zaby

ASSIGNEE:

Ida Agnifili Zaby, Trustee of the I. Agnifili Trust, dated April 29, 2008

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to 3632 Venture Drive, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat dock, access ramp and cantilevered deck extending no more than five feet waterward of the bulkhead.

LEASE TERM:

10 years, beginning April 6, 2011.

CONSIDERATION:

Boat dock and access ramp: No monetary consideration pursuant to Public Resources Code section 6503.5.

Cantilevered Deck: Annual rent in the amount of \$860, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. No permanent roof or other enclosure will be constructed on the Lease Premises. Applicants agree that any proposed use of the Lease Premises that includes a residential extension of the actual living quarters constitutes residential use and is prohibited.

CALENDAR ITEM NO. **C67** (CONT'D)

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

The recommended lease modifications will not substantially interfere with public trust needs at this time and at this location. The assignment of the lease is an administrative action unlikely to result in any changes to the use of the lease premises.

OTHER PERTINENT INFORMATION:

1. Assignee owns the upland adjoining the lease premises.
2. On April 6, 2011, the Commission authorized a General Lease – Recreational Use for the continued use and maintenance of an existing boat dock, access ramp, and cantilevered deck extending no more than five feet waterward of the bulkhead. That lease will expire on April 5, 2021. On June 21, 2013, the Commission authorized an assignment of the lease to Ida Zaby. On February 25, 2014, the upland parcel was deeded to Ida Agnifili Zaby, Trustee of the I. Agnifili Trust, dated April 29, 2008. The Lessee/Assignor is now applying for an assignment of lease.
3. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
4. Approving the assignment of lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15378, subdivision (b)(5).

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C67** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease assignment will not substantially impair the public rights to navigation and fishing or substantially interfere with the public trust needs and values at this location at this time, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the assignment of Lease No. PRC 7986.1, a General Lease – Recreational Use, of sovereign land as described in Exhibit A and shown on Exhibit B (for reference purposes only), from Ida Zaby to Ida Agnifili Zaby, Trustee of the I. Agnifili Trust, dated April 29, 2008.

EXHIBIT A

PRC 7986.1

LAND DESCRIPTION

A parcel of submerged land in Huntington Harbour, in the City of Huntington Beach, Orange County, California, described as follows:

COMMENCING at the most southerly corner of Lot 67, as said lot is shown and so designated on that certain map of Tract 9168 filed in Book 371, Pages 16 through 20 of Miscellaneous Maps, Official Records of said County; thence S 8°47'10" W 9.85 feet to the southerly boundary of said Tract, and the POINT OF BEGINNING; thence N 61°00'00" W 55.23 feet to the point on the southerly line of said Lot 67; thence along said southerly Line N 61°00'00" W 44.69 to the most westerly corner of said Lot 67; thence leaving said southerly line southwesterly along the southwesterly prolongation of the northwesterly line of said Lot 67, 60.00 feet to the Pierhead Line, as said Pierhead line is described in Resolution No. 5503, passed and adopted May 6, 1985 by the City Council of said City; thence southeasterly along said Pierhead Line 44.69 feet to the beginning of a curve to the left having a radius of 210 feet; thence easterly along said curve through a central angle of 20°12'50", a distance of 74.09 feet to a radial line passing through the most southerly corner of said lot; thence along said radial line N 08°47'10" E 50.15 feet to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 03/14/2011 by the California State Lands Commission Boundary Unit.



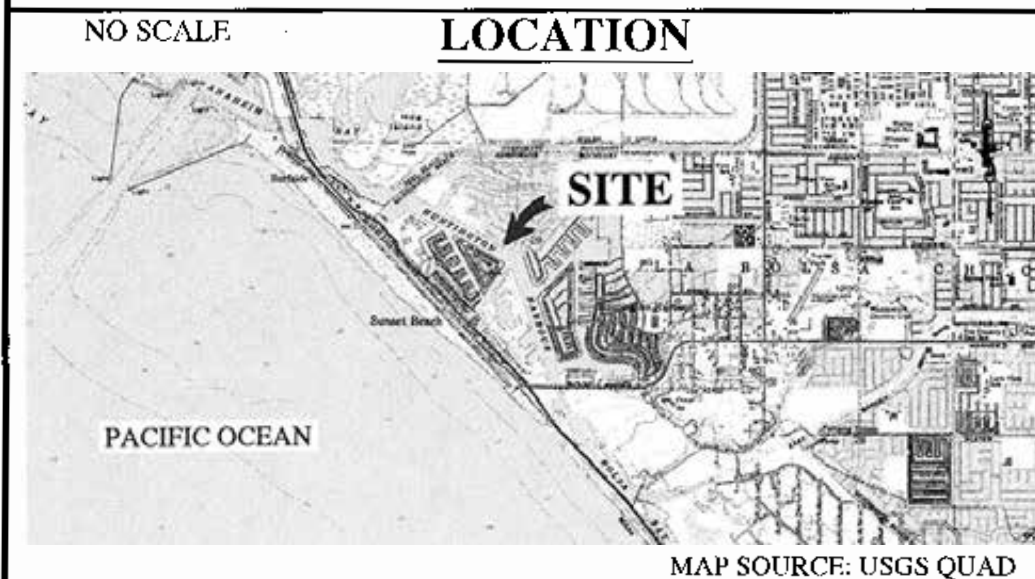
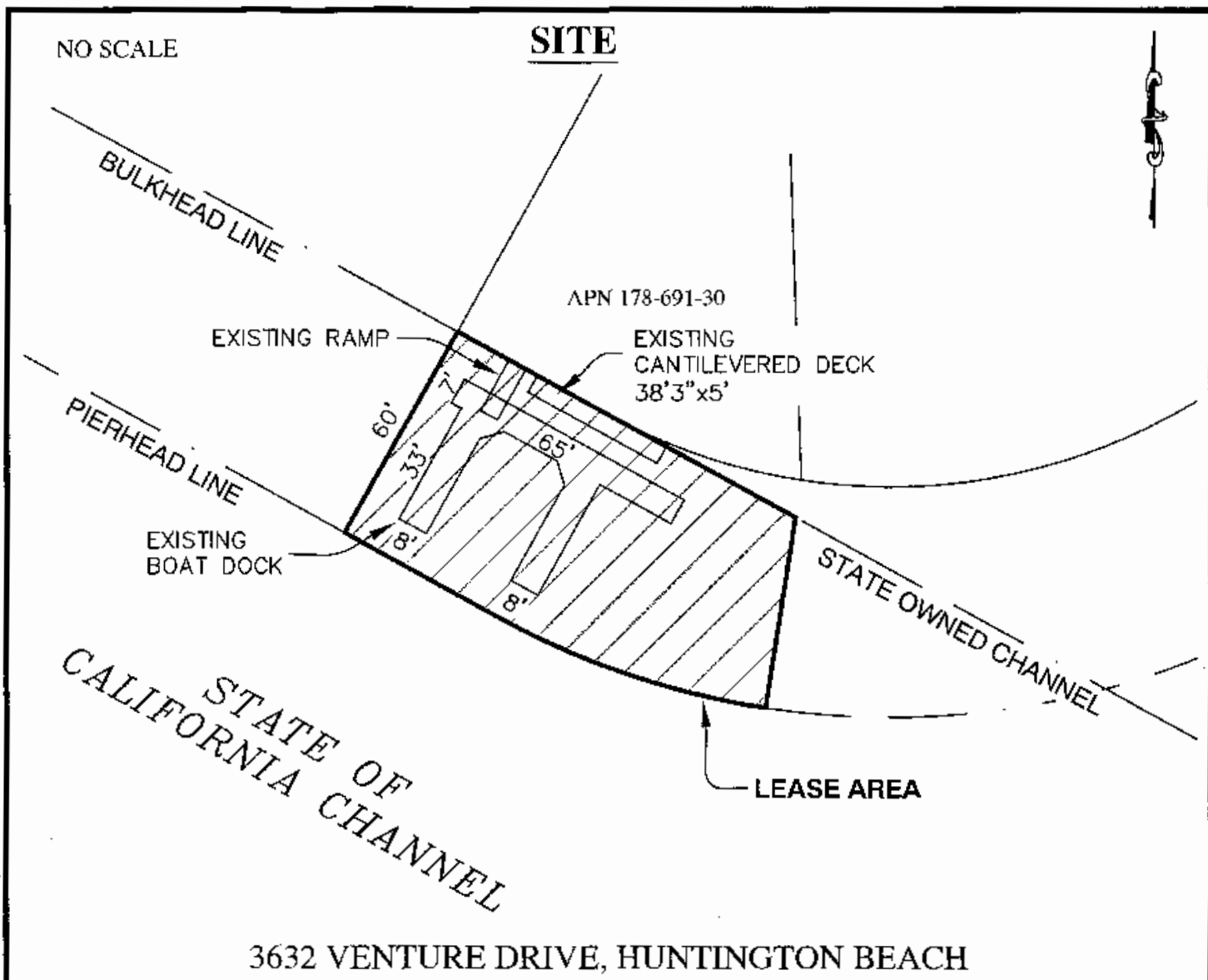


Exhibit B
 PRC 7986.1
 AGNIFILI TRUST
 APN 178-691-30
 GENERAL LEASE -
 RECREATIONAL USE
 ORANGE COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.